

REMARKS

In a non-final Office Action dated January 28, 2009, the Examiner rejected claims 74-77 under 35 U.S.C. §102(b). Applicants respond to the Examiner's rejections below. In view of the amendments above and the remarks below, Applicants respectfully request reconsideration of the merits of this application.

35 U.S.C. §102 Rejections

Claims 74-77 are rejected under 35 U.S.C. §102(b) as being anticipated by Schenk, 1999, WO99/27944. The Examiner asserts that claims 74-77 are broadly drawn to a therapeutic composition comprising an A β polypeptide linked to a polyamine modified antibody, and WO99/27944 discloses therapeutic compositions comprising A β polypeptides alone and fused to different polypeptides including antibodies.

However, the Examiner note claim 76, directed to a therapeutic composition comprising an A β polypeptide linked to an anti- A β antibody with specific binding affinity for amyloid peptide SEQ ID NO:1 wherein the antibody is polyamine modified and in a sterile pharmaceutically acceptable carrier or excipient, would be allowable if rewritten in independent form to include all the limitations of the base claim, claim 74. Similarly, the Examiner considers claims 75 and 77 allowable if rewritten to be dependent from claim 76.

Applicants have cancelled claim 74 and rewritten claims 75-77 as suggested by the Examiner, and respectfully request allowance of these claims.

New Claims 78-81

New claims 78-81 dependent from claim 76 are added. Applicants believe claims 78-81 are in allowable condition.

Summary

Applicants have amended the claims in the above-identified application to respond to all of the Examiner's rejections in the Office Action of January 28, 2009. In addition, Applicants have added new claims which are believed to be allowable. Accordingly, Applicants respectfully request the Examiner to reconsider said rejections and to issue a Notice of Allowance in the claims currently under consideration.

Fees

Application No. 10/796,522
Response Dated
Reply to Office Action of January 28, 2009

Applicants believe a fee for four new claims is required. No additional fee is believed due in connection with this submission. However, if a fee is due in this or any subsequent response, please charge the fee to Deposit Account No. 17-0055. Likewise, no extension of time is believed to be necessary. However, should any extension be required in this or any subsequent response, please consider this to be a petition for the appropriate extension of time and a request to charge the petition fee due to the same Deposit Account.

Respectfully submitted,

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